

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER SNIDER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-254-M
)	
UNITED STATES DEPARTMENT OF)	
JUSTICE, et. al.,)	
)	
Defendants.)	

ORDER


On October 6, 2008, United States Magistrate Judge Valerie Couch issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking damages for alleged constitutional violations committed by defendants. The Magistrate Judge recommends that plaintiff's Amended Complaint be dismissed without prejudice for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Magistrate Judge further recommends that the dismissal be counted as a "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g) after the plaintiff has exhausted or waived his right to appeal. The Magistrate Judge also recommends that the plaintiff's: Motion for Subpoena for Court Documents for Preliminary Hearing [docket no. 9], Motion to Subpoena Witnesses [docket no. 10], Motion to Produce Evidence for Use at Preliminary Hearing [docket no. 11], Motion to Subpoena Evidence [docket no. 12], Motion to Subpoena Court Documents [docket no. 36], Motion to Subpoena Documents [docket no. 37], and Motion to Subpoena Reports [docket no. 38] all be denied as moot. The parties were advised of their right to object to the Report and Recommendation by October 27, 2008. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on October 6, 2008;
- (2) GRANTS the motion to dismiss the Amended Complaint for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
- (3) ORDERS that the dismissal be counted as a “prior occasion” or “strike” pursuant to 28 U.S.C. § 1915(g) after the plaintiff has exhausted or waived his right to appeal;
- (4) DENIES as MOOT plaintiff’s: Motion for Subpoena for Court Documents for Preliminary Hearing [docket no. 9], Motion to Subpoena Witnesses [docket no. 10], Motion to Produce Evidence for Use at Preliminary Hearing [docket no. 11], Motion to Subpoena Evidence [docket no. 12], Motion to Subpoena Court Documents [docket no. 36], Motion to Subpoena Documents [docket no. 37], and Motion to Subpoena Reports [docket no. 38].

This Order effectively terminates this action in this Court.

IT IS SO ORDERED this 4th day of November, 2008.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE